

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION**

CLEANUP AND ABATEMENT ORDER NO. 98-103

AGAINST

MARRIOTT INTERNATIONAL
MARRIOTT'S DESERT SPRINGS RESORT AND SPA

74-855 Country Club Drive
Palm Desert - Riverside County

The Regional Water Quality Control Board, Colorado River Basin Region, finds that:

1. Marriott International (Marriott), Marriott Drive, Washington, D.C. 20058, owns and operates the Marriott's Desert Springs Resort and Spa (herein referred to as the site), 74-855 Country Club Drive, Palm Desert, California. The site is located on the southwest corner of the junction of Country Club Drive and Cook Street, Palm Desert, Riverside County, California (see attached map).
2. A hotel and golf course with related services are currently operated by Marriott at the site.
3. Marriott owned and operated three underground fuel storage tanks and one underground waste oil storage tank at the site. The underground storage tanks were used for the operation and/or maintenance of hotel and golf course vehicles. A fuel dispenser island with one diesel and two gasoline dispensers was used to distribute fuel.
4. On February 5, 1998, the four underground storage tanks were removed. Soil samples were obtained at 2 and 6 feet below each tank. Total petroleum hydrocarbons were not detected in the eight soil samples.
5. Three fuel dispensers and associated piping were removed on February 9, 1998. Soil samples were obtained at 2 and 6 feet below each dispenser. Total petroleum hydrocarbons as gasoline (TPHg), and the gasoline constituents benzene, toluene, ethylbenzene, xylenes, and methyl tertiary-butyl ether (MTBE) were detected in all six soil samples.
6. Coachella Valley Water District (CVWD) owns a municipal supply well (Water Supply Well #5637) approximately 100 feet southeast and in the apparent downgradient groundwater flow direction from the former underground storage tank basin, approximately 140 feet southeast of the former dispenser island. Water Supply Well #5637 is currently removed from service by CVWD.
7. A workplan to drill a boring to 20 feet below the contamination beneath the fuel dispenser area and at least 40 feet below the ground surface was submitted to Riverside County, Health Services Agency, Department of Environmental Health (Riverside County) on February 24, 1994. Riverside County approved the workplan on February 26, 1998. On March 3, 1998, the boring was drilled to 60 feet below the ground surface and then advanced the next day to approximately 150 feet below the ground surface due to the presence of petroleum hydrocarbons at 60 feet. Soil at 150 feet below the ground surface was also impacted with petroleum hydrocarbons. The boring was terminated due to the proximity of the water table, estimated to be at 170 to 190 feet below the ground surface.

8. On March 18, 1998, Marriott submitted a workplan for the installation of a groundwater monitoring well. The workplan was approved by Riverside County on March 24, 1998, and the well was installed on March 27, 1998. A groundwater sample collected from the well on April 8, 1998, was reported to contain 1,100 micrograms per liter ($\mu\text{g/l}$) TPHg, 1,400 $\mu\text{g/l}$ MTBE, and 1.2 $\mu\text{g/l}$ benzene.
9. On May 18, 1998, the Regional Board sent a request for a workplan to delineate the vertical and horizontal extent of all pollutants associated with the release, an interim plume containment plan, and a time schedule for implementation. Marriott submitted the requested workplan on June 8, 1998, and the Regional Board approved it on June 9, 1998.
10. Between June 22 and July 10, 1998, Marriott installed 7 groundwater monitoring wells, including three wells screened approximately 100 feet below the water table. Petroleum hydrocarbon constituents, including MTBE, have been reported in groundwater samples obtained from 5 of the 8 wells installed for this investigation. This includes an MTBE concentration of 33 $\mu\text{g/l}$ in a groundwater sample obtained from monitoring well MW-2, which is screened approximately 100 feet below the water table.
11. Marriott submitted a workplan for soil venting/air sparging pilot tests to the Regional Board on September 8, 1998. The Regional Board approved the workplan on September 9, 1998. Marriott conducted the soil venting and air sparging tests during September and October 1998.
12. Marriott notified the Regional Board on October 19, 1998, that approximately 2 to 3 inches of liquid phase petroleum hydrocarbons were present on the water table in groundwater monitoring well MW-6.
13. The Water Quality Control Plan for the Colorado River Basin Region of California (Basin Plan) was adopted on November 17, 1993, and designates the beneficial uses of ground and surface water in this Region.
14. The site is located in the Indio Hydrologic Subarea of the Coachella Hydrologic Area. The beneficial uses of groundwater in the Indio Hydrologic Subarea are:
 - a. Municipal supply (MUN)
 - b. Industrial Service Supply (IND)
 - c. Agricultural Supply (AGR)
15. Constituents listed in Finding Nos. 5, 8, 10, and 12 of the Cleanup and Abatement Order are refined petroleum products and not naturally-occurring. One of the constituents (benzene) is a human carcinogen and another (MTBE) has been identified by the U.S. Environmental Protection Agency as a possible human carcinogen. Pollution of groundwater with elevated concentrations of these constituents impairs the beneficial uses of the groundwater.
16. Section 13304 of the California Water Code states in part, that:

“Any person...who has caused or permitted...any waste to be discharged or deposited where it is or probably will be, discharged into the waters of the state and creates, or threatens to create, a condition of pollution or nuisance, shall upon order of the regional board, clean up the waste or abate the effects of the waste, or, in the case of threatened pollution or nuisance, take other necessary remedial action, including, but not limited to, overseeing cleanup and abatement efforts.”

17. Section 13267 of the California Water Code states in part, that:

“...the regional board may require that any person who has discharged, discharges, or is suspected of discharging, or who proposes to discharge waste...shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires.”

18. Section 13285 of the California Water Code states in part, that:

“Any discharge from a storage tank, pipeline, or other container of methyl tertiary-butyl ether (MTBE), or of any pollutant that contains MTBE, that poses a threat to drinking water, or to groundwater or surface water that may reasonably be used for drinking water, or to coastal waters shall be cleaned up to a level consistent with subdivision (b) of Section 25299.37 of the Health and Safety Code.”

19. Marriott has caused or permitted the discharge of pollutants described in Finding Nos. 5, 8, 10, and 12 from underground storage tanks and/or piping into the waters of the State and has created a condition of pollution.

20. This enforcement action is being taken for the protection of the environment and is, therefore, exempt from the California Environmental Quality Act pursuant to Section 15321, Chapter 3, Title 14 of the California Code of Regulations.

IT IS HEREBY ORDERED, that pursuant to Sections 13304, 13267, and 13285 of the California Water Code, Marriott, its agents, or assigns, shall prepare technical reports and shall cleanup or abate the effects of the release of hazardous constituents described in Finding Nos. 5, 8, 10, and 12 of this Cleanup and Abatement Order by complying with the following:

1. Submit a weekly progress report to the Regional Board's Acting Executive Officer detailing the progress made toward corrective action and final cleanup. The progress reports shall be submitted by each Tuesday detailing the preceding week's activities, including weekly and summary totals of the amount of product removed from the subsurface. Weekly progress reports may be submitted via facsimile.
2. November 5, 1998 - Submit an Interim Remediation Plan detailing remedial actions and time schedule proposed to inhibit the migration of petroleum hydrocarbons vertically and laterally in the subsurface for approval by the Acting Executive Officer.
3. December 4, 1998 - Implement the approved interim remedial action. A report detailing the as-built interim remediation system and the initial operation of the system shall be submitted within 90 days of the system start-up.
4. June 4, 1999 - Submit a report of findings regarding the completion of soil and groundwater investigation and the results of laboratory analysis. This report shall:
 - a. Fully delineate the vertical and lateral extent of the release to soil and groundwater.
 - b. Characterize the site hydrogeology such that an assessment of pollution migration pathways can be made. This should include the preparation of at least two cross sections detailing the site geology and extent of pollution.
5. July 2, 1999 - Submit a Final Remediation Plan detailing remedial actions proposed to clean up or abate the pollution in the subsurface for approval by the Acting Executive Officer.

6. September 10, 1999 - Implement the approved final remedial action. A report detailing the as-built remediation system and the initial operation of the system shall be submitted within 90 days of the system start-up.
7. January 31, April 30, July 31, October 31 - Beginning January 31, 1999, Quarterly Status Reports shall be submitted to the Regional Board's Acting Executive Officer detailing the progress made toward corrective action and final cleanup. The progress reports shall be submitted by 5:00 p.m. on the dates noted above detailing the preceding quarter's activities.

All technical and monitoring reports required in conjunction with this Cleanup and Abatement Order are required pursuant to Section 13267 of the California Water Code, and shall include a statement by the dischargers, or an authorized representative of the dischargers, certifying under penalty of perjury under the laws of the State of California, that the report is true, complete, and accurate. Reports submitted to the Regional Board regarding proposed or completed investigation/remediation shall be signed by a California Registered Professional Engineer, and/or California Registered Geologist.

Acting Executive Officer

Date